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Federal Communications Commission
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August 1, 1990

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M St., N.W.
Room 222
Washington, DC 20554

RM-7407

Dear Ms. Searcy:

Please find enclosed our comments regarding the RM No. 7407, In the Matter of Maintaining the Confidentiality of Proprietary Customer Data Submitted to Coordination Entities in Accord With Section 90.179 (e) of the Rules.

Also enclosed are seven copies of FIT's comments so you may delegate them to the various offices concerned in this matter.

Sincerely,

FOREST INDUSTRIES TELECOMMUNICATIONS

James H. Baker
James H. Baker
Executive Vice President

JHB/klc

enclosure: Comments to RM No. 7407

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BEFORE THE Aug 8 9 20 AM '90

Federal Communications Commission
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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

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In the Matter of)
)
Maintaining the Confidentiality)
Of Proprietary Customer Data)
Submitted To Coordination)
Entities in Accord With)
Section 90.179 (e) Of The Rules)

RM No. 7407

COMMENTS OF

FOREST INDUSTRIES TELECOMMUNICATIONS

Forest Industries Telecommunications (FIT) respectfully submits its comments in response to the Commission's Notice of Proposed Rule Making in the above captioned rule making proceeding.

I. INTRODUCTION

FIT is a national organization of radio users licensed in the Forest Products Radio Service. For more than 40 years, FIT has been recognized, by the Commission, as the Frequency Coordinator for the Forest Products Radio Service. It is also the industry's spokesman on matters pertaining to Land Mobile Radio Communications in the forest products industry. FIT has over 2,000 members that range in size from Fortune 500 companies such as Weyerhaeuser Co., Georgia Pacific

Corp., etc. to small contract loggers.

II. GENERAL COMMENTS

FIT feels the above captioned petition is frivolous and the proposed rule change unnecessary. Under current guidelines, Frequency Coordinators operate under scrutiny of the FCC and through the oversight process established by the Commission in PR. Docket 83-737 adequate safeguards and grievance procedures already exist. Should a licensee or representative feel a coordinator has disclosed "proprietary" information a complaint may be filed with the Commission, resulting in an appropriate investigation.

Nowhere in its petition do the petitioners cite any firm facts or examples of coordinators violating the trust of ethical operations.

Although FIT recognizes the concern of private carriers to keep their customer lists confidential, and already has an internal policy addressing the concerns of the petitioners, FIT questions whether or not user lists of private carriers customers legally deserve any protection.

Private Land Mobile Radio Service license applications are a matter of public record. As a requirement of section 90.179 applicants shall submit with their application the names, addresses, etc. for all system users or members. This list, as an attachment to the application is likewise a matter of public record, an issue not addressed by the petitioners. Should an applicant for a private carriers system feel their attachments are so sensitive they may request the user list be withheld from public inspection as allowed for in section 0.459.

However, sections 0.453 ad 0.455 make virtually all material concerning license activity and reporting requirements in almost all cases a matter of public record. This material includes financial, contractual, tarriffs and other documents that, from a business standpoint, may be proprietary. However, from the FCC point of view they are public record. It would appear, therefore, the petitioners are trying to establish rules that make private carriers "superior" to common carriers or other license classifications, by exclusion of information.

The petitioners, in footnote 2, relate how it would be "more difficult" to obtain customer information if their proposed rule is adopted. While such a rule would eliminate one source of determining a customer list, the petitioners by omission acknowledge that other means do exist.

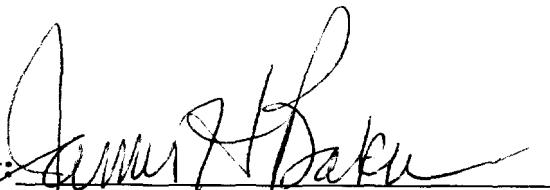
Furthermore, the proposed rule of the petitioners might prohibit coordinators from sharing between them information contained in the licensees user reports. Sharing of this information is required when private carrier systems are licensed through "interservice sharing" (section 90.176). Not only does the licensee's coordinator require loading reports but so do any other coordinator(s) to whom the frequency is regularly allocated. In addition, identification of offending parties in interference situations may require coordinators comparing notes, user names or other relevant information which the petitioners feel are proprietary.

Lastly, the petitioners claim private carriers are required to pay the coordinators to receive this information. Their statement is only partially true. While it is true that NABER does charge a fee of \$30 to gather this data, others, FIT included, do not. The petitioners broad brush statement is yet another

attempt to portray coordinating agencies as unscrupulous characters, ie charging for the collection service and then re-selling the data.

Respectfully submitted:

FOREST INDUSTRIES TELECOMMUNICATIONS

By: 

James H. Baker

Executive Vice President

JHB/klc

Forest Industries Telecommunications

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August 1, 1990